

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

\*\*\*\*\*

MAGGIE PETAJA,  
Charging Party

HRB CASE NO. 0131015998

-v-

ORDER  
FINAL AGENCY DECISION

LEWIS AND CLARK COUNTY HEALTH  
DEPARTMENT,  
Respondent

\*\*\*\*\*

Charging Party, Maggie Petaja (Petaja), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Petaja's allegations that Respondent, Lewis and Clark County Health Department, discriminated against Petaja. The Department issued a Notice of Dismissal. Petaja filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 19, 2013. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

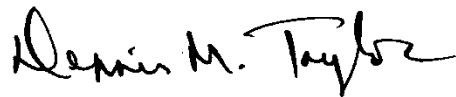
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

*Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Maggie Petaja's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Lewis and Clark County Health Department.

DATED this 24<sup>th</sup> day of September, 2013.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive style with a horizontal line extending from the end of the name.

---

Dennis M. Taylor, Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 24<sup>th</sup> day of September, 2013.

VALERIE WILSON  
WILSON LAW OFFICE, PLLC  
1085 HELENA AVENUE  
HELENA, MT 59601

KATIE JERSTAD  
DEPUTY COUNTY ATTORNEY  
LEWIS AND CLARK COUNTY COURTHOUSE  
228 BROADWAY  
HELENA, MT 59601



---

Annah Smith, Legal Secretary  
Montana Human Rights Bureau